

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CR 21-40056

Plaintiff,

REDACTED INDICTMENT

vs.

Bank Fraud; Attempted Bank Fraud;
False Statement to a Financial
Institution; Engaging in Monetary
Transactions in Property Derived from
Specified Unlawful Activity; and
False Statement

JAMES BUNKER,
d/b/a Genuine Builders, Inc.,
d/b/a Tri-State Ag Services, LLC,
d/b/a Falls Framing, LLC, and
d/b/a No. 18, LLC,

18 U.S.C. §§ 1344, 1349, 1014, 1957,
and 1001

Defendant.

The Grand Jury charges:

COUNT 1

Beginning on or about July 13, 2020 and continuing through August 27, 2020, all dates approximate and inclusive, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Tri-State Ag Services, LLC, knowingly executed a scheme and artifice to defraud a financial institution, to wit: First State Bank, whose deposits were, at the time of the offense, insured by the Federal Deposit Insurance Corporation (FDIC), and to obtain the money, funds, credits, assets, securities, and other property owned by, and under the custody and control of, the aforementioned financial institution, by means of false or fraudulent pretenses, representations, and promises. Specifically, as part of the Defendant's application for a loan under the Main Street Lending

Program, the Defendant submitted and caused to be submitted to the bank a false and fraudulent personal financial statement that significantly underreported his personal liabilities in that the Defendant knowingly omitted a large tax lien recorded against the Defendant. Defendant's actions were all in violation of 18 U.S.C. § 1344.

COUNT 2

Beginning on or about October 14, 2020 and continuing through November 19, 2020, all dates approximate and inclusive, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Tri-State Ag Services, LLC, knowingly executed a scheme and artifice to defraud a financial institution, to wit: First State Bank, whose deposits were, at the time of the offense, insured by the Federal Deposit Insurance Corporation (FDIC), and to obtain the money, funds, credits, assets, securities, and other property owned by, and under the custody and control of, the aforementioned financial institution, by means of false or fraudulent pretenses, representations, and promises. Specifically, as part of the Defendant's application for a loan under the Main Street Lending Program, the Defendant submitted and caused to be submitted to the bank a false and fraudulent personal financial statement that significantly underreported his personal liabilities in that the Defendant knowingly omitted a large tax lien recorded against the Defendant. The Defendant also submitted and caused to be submitted to the bank false and fraudulent balance sheets of

the Defendant's affiliated companies. Defendant's actions were all in violation of 18 U.S.C. § 1344.

COUNT 3

On or about December 30, 2020, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Genuine Builders, Inc., knowingly attempted to execute a scheme and artifice to defraud a financial institution, to wit: First State Bank, whose deposits were, at the time of the offense, insured by the Federal Deposit Insurance Corporation (FDIC), and to obtain the money, funds, credits, assets, securities, and other property owned by, and under the custody and control of, the aforementioned financial institution, by means of false or fraudulent pretenses, representations, and promises. Specifically, as part of the Defendant's application for a loan under the Paycheck Protection Program, the Defendant submitted and caused to be submitted to the bank a false and fraudulent profit and loss statement for Genuine Builders, Inc. Defendant's actions were all in violation of 18 U.S.C. §§ 1344 and 1349.

COUNT 4

On or about January 8, 2021, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Genuine Builders, Inc., knowingly attempted to execute a scheme and artifice to defraud a financial institution, to wit: American Bank and Trust, whose deposits were, at the time of the offense, insured by the Federal Deposit Insurance Corporation (FDIC), and to obtain the money, funds, credits, assets, securities, and other property owned by, and

under the custody and control of, the aforementioned financial institution, by means of false or fraudulent pretenses, representations, and promises. Specifically, as part of the Defendant's application for a loan under the Paycheck Protection Program, the Defendant submitted and caused to be submitted to the bank a false and fraudulent profit and loss statement for Genuine Builders, Inc. Defendant's actions were all in violation of 18 U.S.C. §§ 1344 and 1349.

COUNT 5

Between on or about August 4, 2020 and August 11, 2020, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Tri-State Ag Services, LLC, knowingly made a false statement and report for the purpose of influencing the action of First State Bank, whose deposits were, at the time of the offense, insured by the Federal Deposit Insurance Corporation (FDIC), in connection with an application and loan under the Main Street Lending Program, in that the Defendant falsely underreported his liabilities on his personal financial statement he submitted and caused to be submitted to the bank, when in truth and in fact, as the Defendant well knew, the Defendant had a large tax lien recorded against him. Defendant's actions were all in violation of 18 U.S.C. § 1014.

COUNT 6

On or about November 6, 2020, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Tri-State Ag Services, LLC, knowingly made a false statement and report for the purpose of influencing the

action of First State Bank, whose deposits were, at the time of the offense, insured by the Federal Deposit Insurance Corporation (FDIC), in connection with an application and loan under the Main Street Lending Program, in that the Defendant falsely underreported his liabilities on his personal financial statement he submitted and caused to be submitted to the bank, when in truth and in fact, as the Defendant well knew, the Defendant had a large tax lien recorded against him. The Defendant also submitted and caused to be submitted to the bank false and fraudulent balance sheets of the Defendant's affiliated companies that did not disclose payroll tax liabilities against those companies, when in truth and fact, as the Defendant well knew, those companies had large payroll tax liabilities. Defendant's actions were all in violation of 18 U.S.C. § 1014.

COUNT 7

On or about December 30, 2020, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Genuine Builders, Inc., knowingly made a false statement and report for the purpose of influencing the action of First State Bank, whose deposits were, at the time of the offense, insured by the Federal Deposit Insurance Corporation (FDIC), in connection with an application and loan under the Paycheck Protection Program, in that the Defendant submitted and caused to be submitted to the bank a false and fraudulent profit and loss statement for Genuine Builders, Inc., when in truth and in fact, as the Defendant well knew, that document had been fraudulently altered in an effort

to qualify for the loan. Defendant's actions were all in violation of 18 U.S.C. § 1014.

COUNT 8

On or about January 8, 2021, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Genuine Builders, Inc., knowingly made a false statement and report for the purpose of influencing the action of American Bank and Trust, whose deposits were, at the time of the offense, insured by the Federal Deposit Insurance Corporation (FDIC), in connection with an application and loan under the Paycheck Protection Program, in that the Defendant submitted and caused to be submitted to the bank a false and fraudulent profit and loss statement for Genuine Builders, Inc., when in truth and in fact, as the Defendant well knew, that document had been fraudulently altered in an effort to qualify for the loan. Defendant's actions were all in violation of 18 U.S.C. § 1014.

COUNT 9

On or about October 6, 2020, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Tri-State Ag Services, LLC, d/b/a No. 18, LLC, knowingly engaged and attempted to engage in a monetary transaction by, through, or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is, the transfer of \$1.3 million from one of the Defendant's accounts at First State Bank in Nebraska to one of the Defendant's accounts at Citizens State Bank in

South Dakota, such property having been derived from a specified unlawful activity, to wit: bank fraud, as charged in Count 1 of this Indictment. The Defendant's actions were all in violation of 18 U.S.C. § 1957.

COUNT 10

On or about August 7, 2020, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Genuine Builders, Inc., in a matter within the jurisdiction of the United States Small Business Administration, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation in a Small Business Administration Paycheck Protection Program Loan Forgiveness Application Form, that is, the Defendant falsely and fraudulently represented that the Defendant, together with affiliates, did not receive Paycheck Protection Program loans in excess of \$2 million, when in truth and in fact, the Defendant knew that was false. The Defendant's actions were in violation of 18 U.S.C. § 1001.

COUNT 11

On or about September 16, 2020, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Tri-State Ag Services, LLC, in a matter within the jurisdiction of the United States Small Business Administration, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation in a Small Business Administration Paycheck Protection Program Loan Forgiveness Application Form, that is, the Defendant falsely and fraudulently represented that the Defendant, together with

affiliates, did not receive Paycheck Protection Program loans in excess of \$2 million, when in truth and in fact, the Defendant knew that was false. The Defendant's actions were in violation of 18 U.S.C. § 1001.

COUNT 12

On or about October 6, 2020, in the District of South Dakota and elsewhere, Defendant James Bunker, d/b/a Falls Framing, LLC, in a matter within the jurisdiction of the United States Small Business Administration, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation in a Small Business Administration Paycheck Protection Program Loan Forgiveness Application Form, that is, the Defendant falsely and fraudulently represented that the Defendant, together with affiliates, did not receive Paycheck Protection Program loans in excess of \$2 million, when in truth and in fact, the Defendant knew that was false. The Defendant's actions were in violation of 18 U.S.C. § 1001.

FORFEITURE ALLEGATION

1. The allegations contained in Counts 1-9 of this Indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to 18 U.S.C. §§ 982(a)(1), 982(a)(2), and 981(a)(1)(C), as well as 28 U.S.C. § 2461(c).

2. If convicted of an offense set forth above, James Bunker, d/b/a Genuine Builders, Inc., d/b/a Tri-State Ag Services, LLC, d/b/a Falls Framing, LLC, d/b/a No. 18, LLC, the Defendant herein, shall forfeit to the United States

any and all property constituting, or derived from, proceeds he obtained directly or indirectly, as the result of such violation. Such property includes, but is not limited to:

- Real property located at [ADDRESS REDACTED] in Sioux Falls, South Dakota;
- Real property located at [ADDRESS REDACTED] in Sioux Falls, South Dakota, to wit: numbers [REDACTED]; and
- Real property located at [ADDRESS REDACTED] in Sioux Falls, South Dakota, to wit: numbers [REDACTED];
- Real property located at [ADDRESS REDACTED] in Sioux Falls, South Dakota, to wit: numbers [REDACTED]; and
- \$20,000 in U.S. currency, currently held in evidence by the FBI.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the Defendant –

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the Defendant up to the value of the property charged with forfeiture, all pursuant to 18 U.S.C. §§ 982(a)(1), 982(a)(2) and 981(a)(1)(C) and 28 U.S.C. § 2461(c).

A TRUE BILL:

NAME REDACTED

Foreperson

DENNIS R. HOLMES
Acting United States Attorney

By:

